

Message Text

UNCLASSIFIED

PAGE 01 PRETOR 00758 231115Z

47

ACTION MC-02

INFO OCT-01 AF-06 ISO-00 PM-04 ACDA-10 DODE-00 EB-07

NRC-07 NSAE-00 TRSE-00 ERDA-07 CIAE-00 COME-00 AID-05

SY-05 OMB-01 H-02 INR-07 L-03 NSC-05 PA-02 PRS-01

SP-02 SS-15 USIA-15 (ISO) W
----- 091020

R 230903Z FEB 76

FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC 3850
INFO AMCONSUL CAPE TOWN
AMCONSUL DURBAN
AMCONSUL JOHANNESBURG

UNCLAS PRETORIA 0758

CAPE TOWN ALSO FOR EMBASSY

E.O. 11652: N/A

TAGS: MILI, ETRD, SF

SUBJ: LAWS GOVERNING ARMS EXPORTS

REF: (A) STATE 28053, (B) 75 PRETORIA 2856

1. THE EXPORT OF ARMS, AMMUNITION AND MILITARY EQUIPMENT AND ARTICLES FROM SOUTH AFRICA IS GOVERNED BY THE IMPORT AND EXPORT CONTROL ACT, 1963 (ACT 45 OF 1963). EXPORT CONTROL REGULATION UNDER THIS ACT WERE PUBLISHED IN SA GOVERNMENT GAZETTE NO 3074 OF APRIL 23, 1971 (AVAILABLE IN THE US DEPT OF COMMERCE, BIC/OIM). THESE REGULATION REQUIRE A PERMIT FROM THE SA SECRETARY FOR COMMERCE FOR THE EXPORT OF ARMS TO COUNTRIES OTHER THAN BOTSWANA, LESOTHO AND SWAZILAND. APPLICA- TIONS FOR PERMITS MUST BE SUBMITTED TO THE COMMANDANT GENERAL OF THE SOUTH AFRICAN DEFENSE FORCE AND MUST BE ACCOMPANIED BY AN IMPORT CERTI- FICATE FROM THE IMPORTING COUNTRY.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 PRETOR 00758 231115Z

WM AN EXPLANATORY NOT IN THE REGULATIONS READS AS FOLLOWS: QTE. THE

REPUBLIC OF SOUTHAFRICA, TOGETHER WITH CERTAIN OTHER COUNTRIES, CONTROLS THE MOVEMENT OF STRATEGIC COMMODITIES. THE AGREED PROCEDURE REQUIRES THAT, WITH RESPECT TO EVERY SPECIFIC TRANSACTION THE IMPORTER WILL AFFIRMATIVELY UNDERTAKE TO IMPORT INTO THE ECONOMY OF HIS COUNTRY THE GOODS INVOLVED AND WILL NOT DIVERT, TRANSHIP OR RE-EXPORT THE GOODS CONCERNED TO ANOTHER DESTINATION EXCEPT IN ACCORDANCE WITH THE EXPORT CONTROL REGULATIONS OF THE IMPORTING COUNTRY. REPRESENTATIONS TO THIS EFFECT HAVE TO BE MADE BY THE IMPORTER TO HIS GOVERNMENT WHICH IN TURN CERTIFIES BY WAY OF AN IMPORT CERTIFICATE THAT SUCH REPRESENTATIONS HAVE BEEN MADE. COUNTRIES EXERCISING CONTROL OVER THE MOVEMENT OF STRATEGIC COMMODITIES REQUIRE THAT IMPORT CERTIFICATES BY THE PROSPECTIVE EXPORTERS BE PRODUCED BEFORE EXPORT PERMITS ARE ISSUED TO THEM.

IN THE CASE OF A REPUBLIC IMPORTER WHO WISHES TO IMPORT A STRATEGIC COMMODITY, AN APPLICATION FOR AN IMPORT CERTIFICATE IN THE FORM SET FORTH IN SCHEDULE IV HERETO, MUST BE SUBMITTED TO THE SECRETARY FOR COMMERCE, PRETORIA, IN QUADRUPPLICATE AND ON THE IMPORTING FIRM'S OWN LETTERHEADED PAPER. THE CERTIFICATE ISSUED BY THE SECRETARY FOR COMMERCE MUST BE TRANSMITTED BY THE IMPORTER TO THE EXPORTER FOR SUBMISSION TO THE APPROPRIATE AUTHORITY IN HIS COUNTRY. ALL STATEMENTS AND REPRESENTATIONS MADE IN AN IMPORT CERTIFICATE SHALL BE DEEMED TO BE CONTINUING IN NATURE, UNTIL SUCH TIME AS THE TRANSACTION DESCRIBED IN THE IMPORT CERTIFICATE IS COMPLETED AND THE GOODS ARE DELIVERED INTO THE ECONOMY OF THE IMPORTING COUNTRY. ANY CHANGE OF FACT OR INTENTION IN REGARD TO THE TRANSACTION AS SET FORTH IN THE IMPORT CERTIFICATE SHALL BE NOTIFIED PROMPTLY TO THE APPROPRIATE CONTROLLING AUTHORITY IN THE REPUBLIC. UNQTE.

3. SOUTH AFRICAN PUBLIC ADMINISTRATION IS GENERALLY GOOD AND EXPORT AND IMPORT LICENSING IS BELIEVED TO BE EFFECTIVE. PUBLISHED TRADE FIGURES EXCLUDE ARMS AND RELATED PRODUCTS. EDMONDSON

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, ARMS, MUNITIONS CONTROLS, EXPORT CONTROLS
Control Number: n/a
Copy: SINGLE
Draft Date: 23 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976PRETOR00758
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760067-0520
From: PRETORIA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760223/aaaaatui.tel
Line Count: 95
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION MC
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 STATE 28053, 76 PRETORIA 2856
Review Action: RELEASED, APPROVED
Review Authority: castelsl
Review Comment: n/a
Review Content Flags:
Review Date: 09 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 JUL 2004 by schwenja>; APPROVED <25 AUG 2004 by castelsl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LAWS GOVERNING ARMS EXPORTS
TAGS: MILI, ETRD, SF
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006